

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JANE DOE,

Plaintiff,

v.

JOSEPH LOMBARDO, in his capacity as Governor of the State of Nevada, *et al.*,

Defendants.

Case No. 3:24-cv-00065-MMD-CSD

ORDER

I. SUMMARY

Anonymous Plaintiff “Jane Doe” filed this action to challenge Nevada’s system of legalized prostitution, alleging violations of the Thirteenth Amendment and the Trafficking Victims Protection Reauthorization Act (“TVPRA”), 18 U.S.C. §§ 1591(A)(1)-(2), 1595, arising from her time working at four Nevada establishments licensed to sell sexual services. (ECF No. 1 (“Complaint”).) Plaintiff originally asserted claims against those four establishments (“Brothel Defendants”)¹, as well as their respective counties (“County Defendants”), and Nevada’s Governor and Attorney General (“State Defendants”). (*Id.*) On August 16, 2024, the Court dismissed Plaintiff’s claims against State and County Defendants—as well as Plaintiff’s prospective relief claims against Brothel Defendants—for lack of standing. (ECF No. 112 (“Dismissal Order”).) After directing further briefing, the Court dismissed Plaintiff’s Thirteenth Amendment claims against Brothel Defendants. (ECF No. 141 at 6-7.) The Dismissal Order noted a pending motion to intervene by

¹Brothel Defendants are Western Best, Inc. d/b/a Chicken Ranch (“Chicken Ranch”); Desert Rose Club, LLC (“Desert Rose Club”); Hacienda Rooming House, Inc. d/b/a Bella’s Hacienda Ranch (“Bella’s Hacienda Ranch”); Mustang Ranch Productions, LLC d/b/a Mustang Ranch Lounge, LLC (“Mustang Ranch”), and Lance Gilman, owner of Mustang Ranch, in his individual capacity (collectively, “Mustang Ranch Defendants”).

1 Proposed Intervenor Defendant Russell Greer. (ECF No. 109 ("Motion to Intervene")².)
 2 Because the Motion to Intervene has generated several filings and motions to strike these
 3 filings³, the Court will address the Motion to avoid further unnecessary filings and
 4 conserve judicial resources. The Court will also address County Defendants' motion to
 5 certify the order dismissing them from the case as final. (ECF No. 120 ("Motion to
 6 Certify").)

7 **II. DISCUSSION**

8 **A. Motion to Intervene (ECF No. 109)**

9 Greer seeks to intervene as a defendant "in his official capacity as the director of
 10 a political action committee, called A Safer Nevada (ASN)."⁴ (ECF No. 109 at 3.) Greer
 11 states that "[h]is seeking to intervene falls along the theory/argument offered by County
 12 Defendants: the political question doctrine." (*Id.*) But Greer's framing of his interest alone
 13 is fatal to his Motion.

14 Greer argues that he meets the criteria for both intervention as of right and
 15 permissive intervention under Federal Rule of Civil Procedure 24(a) and (b). The Ninth
 16 Circuit's four-part test for intervention as of right requires, as the fourth prong, the party
 17 seeking intervention to show that his interest is "inadequately represented by the parties
 18 to the action." *Wilderness Soc'y v. United States Forest Serv.*, 630 F.3d 1173, 1177 (9th
 19 Cir. 2011) (internal quotation marks and citation omitted). Similarly, in exercising its
 20 discretion whether to grant permissive intervention, courts consider factors that include
 21 whether the applicant's interests are adequately represented by the existing parties and
 22

23 ²Months later, on December 9, 2024, Greer filed an affidavit (ECF No. 157) to
 24 support the Motion to Intervene. The Court strikes the affidavit as a fugitive document
 25 because Greer did not have leave from the Court to file a supplemental document as
 required under LR 7-2(g).

26 ³These filings are Greer's motion for hearing (ECF No. 139), Plaintiff's motion to
 27 strike (ECF No. 143), Greer's response to Plaintiff's motion for reconsideration (ECF No.
 146) and request for judicial notice (ECF No. 147), and Plaintiff's motion to strike Greer's
 response and request (ECF No. 148).

28 ⁴Greer admits that he unsuccessfully tried to intervene in two similar cases to
 assert his interest as "sex buyer." (ECF No. 109 at 2.)

1 whether judicial economy favors intervention. See *Venegas v. Skaggs*, 867 F.2d 527,
 2 530-31 (9th Cir. 1989); *Arakaki v. Cayetano*, 324 F.3d 1078, 1083 (9th Cir. 2003) (citing
 3 *Donnelly v Glickman*, 159 F.3d 405, 409 (9th Cir. 1998)) (noting that when deciding
 4 whether to permit intervention, courts are guided primarily by practical and equitable
 5 considerations).

6 Here, Greer cannot demonstrate that his interest—whether as a “sex buyer” or as
 7 a representative of a political action committee raising the “political question doctrine”—
 8 is inadequately represented by defendants. In fact, Greer himself asserts that the reason
 9 he is seeking to intervene “falls along the theory/argument offered by County
 10 Defendants.”⁵ (ECF No. 109 at 3.) Moreover, the additional “four points” Greer offered to
 11 support intervention only underscore Plaintiff’s argument that Greer seeks to raise
 12 immaterial issues and to launch an unwarranted and unprofessional personal attack
 13 against Plaintiff’s counsel. (See *id.* at 3 (point no. 2 relates to a personal attack on
 14 Plaintiff’s counsel’s background and point no. 3 asserts that County Defendants should
 15 ask for disbarment of counsel as sanction).) Thus, both equitable and practical
 16 considerations counsel against allowing Greer to intervene, and the Court denies the
 17 Motion.

18 **B. Motion to Certify (ECF No. 120)**

19 County Defendants ask the Court to certify the order dismissing them from the
 20 case as final under Fed. R. Civ. P. 54(b). (ECF No. 120.⁶) They further ask that the
 21 certification order includes dismissal of claims against Storey County Commissioner
 22 Lance Gilman in his official capacity. (*Id.* at 11-12.)

23 Fed. R. Civ. P. 54(b) permits the Court to direct entry of judgment as to “one or
 24 more, but fewer than all, claims or parties only if the court expressly determines that there
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26 ⁵The fact that claims against County Defendants are dismissed may go to the other
 27 factors weighing against granting intervention. But the Court need not address those
 28 factors to resolve the Motion.

⁶Plaintiff filed an opposition (ECF No. 131) and County Defendants replied (ECF
 28 No. 33). State Defendants joined in both the Motion to Certify (ECF No. 130) and in
 County Defendants’ reply (ECF No. 134).

1 is no just reason for delay.” In considering certification, a district court “must first
2 determine that it has rendered ‘final judgment’ and then “must determine if there is any
3 just reason for delay.” *Wood v. GCC Bend, LLC*, 422 F.3d 873, 878 (9th Cir. 2005). “It is
4 left to the sound judicial discretion of the district court to determine the ‘appropriate time’
5 when each final decision in a multiple claims action is ready for appeal. This discretion is
6 to be exercised ‘in the interest of sound judicial administration.’” *Id.* (quoting *Curtiss–*
7 *Wright Corp. v. General Electric Co.*, 446 U.S. 1, 8 (1980). The latter inquiry “is necessary
8 to assure that application of the Rule effectively preserves the historic federal policy
9 against piecemeal appeals.” *Id.* (internal quotation marks and citation omitted)).

10 To start, there is no dispute here that the first inquiry is satisfied. The Court
11 dismissed claims against Government Defendants for lack of standing, mainly based on
12 Plaintiff’s failure to establish traceability as to Government Defendants and redressability
13 as to Plaintiff’s claims for prospective relief. (ECF No. 112.) The Dismissal Order is final
14 as to those defendants.

15 In dismissing the claims against Government Defendants, the Court found a
16 distinction between the allegations and theories upon which claims are asserted against
17 Government Defendants and against Brothel Defendants. (*Id.* at 4, 19.) As the Court
18 found in the Dismissal Order, claims against Government Defendants are premised on
19 allegations that Nevada’s system of legalized prostitution led Plaintiff to be subjected to
20 “commercial sex acts through force, fraud, and coercion—including psychological
21 manipulation, constraints on her movement, and debt—in legal brothels operating in
22 Nevada.” (*Id.* at 3 (quoting ECF No. 1 at 2).) Claims against Brothel Defendants,
23 meanwhile, are generally based on allegations that the policies and practices at the
24 brothels themselves resulted in Plaintiff being subjected to sex trafficking and abusive
25 conduct. (ECF No. 112 at 3-4.) This distinction between the claims makes Government
26 Defendants’ argument that certification of the Dismissal Order as final would not
27 undermine judicial administration more persuasive. Any appeal of that Order would relate
28

1 to the legal findings as to standing and would not affect the issues that will continue to be
2 litigated against Brothel Defendants.

3 Plaintiff raises one point in opposition, arguing that judicial economy favors
4 delaying entry of final judgment until the Court rules on claims against Brothel Defendants
5 given the Court's order to show cause as to standing. (ECF No. 131 at 3-4.) The Court
6 has since resolved that issue, finding Plaintiff has standing to bring damage claims
7 against Brothel Defendants. Thus, Government Defendants' argument that delaying entry
8 of final judgment would require them to continue to expend resources to monitor this case
9 further persuades the Court that there is no just reason for the delay. (ECF No. 120 at
10 19.)

11 County Defendants also ask that the certification order include claims against
12 Gilman in his official capacity as Storey County Commissioner. (*Id.* at 11-12.) Plaintiff
13 counters that County Defendants cannot seek dismissal of claims against Gilman "by
14 implication" because the Dismissal Order did not explicitly dismiss claims against Gilman
15 in his official capacity. (ECF No. 131 at 4.) It is true that the Dismissal Order defined
16 "County Defendants" as the three counties (Nye, Elko and Storey counties) who are
17 named defendants. (ECF No. 112 at 1 n. 2.) But the Dismissal Order recognized that
18 Lance Gilman is named both in his official capacity as Storey County Commissioner and
19 in his capacity as owner of Defendant Mustang Ranch. (*Id.* at 14.) The analysis that
20 applies to State Defendants sued in their official capacity and County Defendants equally
21 applies to Gilman in his official capacity as Storey County Commissioner. Thus, to the
22 extent the Dismissal Order is not clear, the Court clarifies that the finding of lack of
23 standing as to claims against County Defendants cover claims against Gilman in his
24 official capacity as Storey County Commissioner.

25 In sum, the Court will grant County Defendants' Motion to Certify, including their
26 request that the certification cover dismissal of claims against Gilman in his official
27 capacity.

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1 **III. CONCLUSION**

2 The Court notes that the parties made several arguments and cited to several
3 cases not discussed above. The Court has reviewed these arguments and cases and
4 determines that they do not warrant discussion as they do not affect the outcome of the
5 issues before the Court.

6 It is therefore ordered that Proposed Intervenor Russell Greer's motion to intervene
7 (ECF No. 109) is denied.

8 It is further ordered that the motions relating to Greer's motion to intervene (ECF
9 Nos. 139, 143, 147, 148) are denied as moot.

10 The Clerk of Court is further directed to strike Greer's affidavit (ECF No. 157).

11 It is further ordered that County Defendants' motion for certification of final
12 judgment (ECF No. 120) is granted as to all Government Defendants, including Defendant
13 Gilman in his official capacity.

14 The Clerk of Court is directed to enter judgment in favor of State Defendants,
15 County Defendants⁷ and Defendant Lance Gilman only his official capacity as Storey
16 County Commissioner in accordance with the Dismissal Order (ECF No. 112).

17 DATED THIS 20th Day of February 2025.

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19 _____
20 MIRANDA M. DU
21 UNITED STATES DISTRICT JUDGE

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28 ⁷As stated in the Dismissal Order, State Defendants are: Joseph Lombardo,
Governor of Nevada, and Aaron Ford, Attorney General of Nevada, in their official
capacities; and County Defendants are: Nye, Elko, and Storey counties. (ECF No. 112 at
1 n. 1, 2.)